

## REMARKS

Applicant respectfully requests consideration and allowance of the application. Claims 5, 6, 16-20, 25, and 26 have been canceled. Claims 1-4, 7-9, 21-24, and 27-35 are pending, of which claims 1-4, 7-9, 21-24, and 27-29 have been amended to provide clarification and/or to correct informalities noted by the Applicant. Support for the amendments can be found in the specification at least at ¶¶'s [0006], [0022], [0023], [0027], [0029], [0032]-[0038], and [0041].

### 35 U.S.C. §103 Rejections

**A.** Claims 1-7 and 21-27 are rejected under 35 U.S.C. §103(a) for obviousness over U.S. Patent No. 6,754,470 to Hendrickson *et al.*, in view of U.S. Patent Application Pub. No. 2005/0086211 to Mayer (*Office Action* p. 4). Claims 5, 6, 25, and 26 are canceled herein.

**B.** Claims 8, 9, 28, and 29 are rejected under 35 U.S.C. §103(a) for obviousness over Hendrickson in view of Mayer, and further in view of U.S. Patent No. 6,968,179 to DeVries (*Office Action* p. 9).

Applicant respectfully traverses the rejection in light of the amendments to the claims, and makes no representation that cited references are prior art. This response and any remarks or comments included herein are not intended to be, and are not to be interpreted as, an admission that the cited references are prior art.

1           **Claim 1** recites a computer-implemented method comprising:

2           sending a request for a return signal to a plurality of user devices via a  
3           wireless network;

4           receiving respective return signals from one or more of the plurality of  
5           user devices, each of the return signals indicating a current status of a respective  
6           user device and an operational mode of the respective user device;

7           receiving a survey that is generated at a user device, the survey including  
8           an inquiry and selectable responses to the inquiry that are configured to be  
9           completed by recipients of the survey;

10          receiving, along with the survey from the user device, one or more  
11         selected characteristics that are attributable to users that are associated with the  
12         plurality of user devices, the one or more characteristics being utilized as criteria  
13         to identify the recipients of the survey;

14          automatically selecting a group of user devices from the plurality of user  
15         devices based on the users having the one or more selected characteristics and  
16         identified as the recipients of the survey, each of the users being associated with a  
17         respective user device in the selected group of user devices;

18          forwarding the survey to the selected group of user devices via the  
19         wireless network, the survey configured to be completed by a user at a respective  
20         user device in the selected group of user devices;

21          receiving survey responses to the inquiry from one or more of the user  
22         devices in the selected group of user devices; and

23          forwarding the survey responses to the user device from which the survey  
24         was generated and received.

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19          Hendrickson and/or Mayer do not teach or suggest the combination of features  
20         recited in claim 1, such as “sending a request for a return signal to a plurality of user  
21         devices” and receiving “each of the return signals indicating a current status of a  
22         respective user device and an operational mode of the respective user device”.  
23          Hendrickson is cited for a return signal containing information describing a respective  
24         user of a wireless device (*Office Action* p. 4). Hendrickson only describes data gathering

1 software installed on a wireless device, and the data gathering software collects event  
2 data and information about the habits and behavior of a user of the wireless device.  
3 Hendrickson is directed to gathering *past* event, communication, and user information,  
4 rather than receiving a return signal that indicates “a *current* status of a respective user  
5 device and an operational mode of the respective user device”, as recited in claim 1.

6 Hendrickson and/or Mayer also do not teach or suggest “receiving a survey that is  
7 generated at a user device, the survey including an inquiry and selectable responses to the  
8 inquiry that are configured to be completed by recipients of the survey”, or “receiving,  
9 along with the survey from the user device, one or more selected characteristics that are  
10 attributable to users that are associated with the plurality of user devices, the one or more  
11 characteristics being utilized as criteria to identify the recipients of the survey” as recited  
12 in claim 1. The Office recognizes that Hendrickson does not teach these recited features,  
13 and in particular that Hendrickson is concerned with gathering information *from* users,  
14 rather than a user generated inquiry (*Office Action* p. 5).

15 The Office cites to Mayer for an SMS-based dating service that provides an  
16 inquiry with predetermined responses generated by a user, and the user can contact other  
17 users that meet a criteria of interest to the user (*Office Action* pp. 3 and 6). Applicant  
18 disagrees because, similar to Hendrickson, Mayer is also concerned with gathering  
19 information *from* users, rather than a user generated inquiry. Mayer only describes that a  
20 user fills-in answers to a computer dating questionnaire, and the answers are then saved  
21 locally or sent to a server. A messaging client then compares the saved answers to other  
22 users’ saved answers from the common dating questionnaire to find potential compatible  
23 dates (*Mayer ¶¶s [0011]-[0016]*).

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1 There is no indication in Mayer that “a survey is generated at a user device”, as  
2 recited in claim 1. Mayer only describes that a user fills in answers to a questionnaire,  
3 rather than a user creating a survey. The questionnaire in Mayer already exists for a user  
4 to simply fill-in answers – the questionnaire is not generated by the user. Further, there is  
5 no indication in Mayer that a generated survey includes “an inquiry and selectable  
6 responses to the inquiry”, as recited in claim 1. Mayer only describes answers to a  
7 questionnaire that are filled-in by a user. The questionnaire in Mayer does not itself  
8 include a question or inquiry that is generated by the user and then distributed for a  
9 response among potential compatible dates. Accordingly, the questionnaire in Mayer  
10 also does not include selectable responses to a user-generated inquiry that are distributed  
11 for a response, as described in claim 1.

12 The Office also takes Official Notice that a simple question (e.g., “would you like  
13 to go on a date”), which may be answered “yes” or “no” by a recipient of the question, is  
14 a generated inquiry with predetermined responses (*Office Action* p. 6). Applicant  
15 disagrees because a simple question is not a “survey including an inquiry and selectable  
16 responses to the inquiry that are configured to be completed by recipients of the survey”,  
17 as recited in claim 1. The example question is an inquiry, but *without* selectable  
18 responses. In the Examiner’s example, the answers “yes” or “no” are not included with  
19 the inquiry, but rather assumed. An answer to this example question may well *not* be  
20 “yes” or “no”. Any other answer is possible, or no answer at all.

21 Hendrickson and/or Mayer also do not teach or suggest “forwarding the survey to  
22 the selected group of user devices via the wireless network, the survey configured to be  
23 completed by a user at a respective user device in the selected group of user devices”, as  
24 recited in claim 1. The Office cites to Hendrickson and states that “the questionnaire is  
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1 then forwarded to other users who meet the criteria” to match potential dates (*Office*  
2 *Action* p. 6). Applicant disagrees because the common questionnaire in Mayer is not  
3 forwarded to other users by another user, or after another user has filled-in his or her  
4 answers. To the contrary, each user in Mayer fills-in answers to the common dating  
5 questionnaire, and *the answers* – not the questionnaire filled out by one user – are then  
6 saved locally or sent to a server. A messaging client then compares the saved answers to  
7 other users’ saved answers to find potential compatible dates (*Mayer ¶¶s [0011]-[0016]*).  
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9       Hendrickson and/or Mayer also do not teach or suggest “receiving survey  
10 responses to the inquiry from one or more of the user devices in the selected group of  
11 user devices”, and “forwarding the survey responses to the user device from which the  
12 survey was generated and received.” Again, Mayer only describes that users fill-in a  
13 computer dating questionnaire and the answers are compared to find potential compatible  
14 dates. There is no indication in Mayer of a survey that is generated at a user device,  
15 forwarded to be completed by a user at another user device, returned as a survey  
16 response, and then forwarded back to the user device from which the survey was  
generated, as described in claim 1.

17       As noted in the previous Response filed May 4, 2009, Applicant respectfully  
18 reiterates that the Mayer reference was filed on August 9, 2004, well after the filing date  
19 of the subject application (January 8, 2002). While Mayer does claim priority to June 24,  
20 2001, Mayer is a continuation-in-part of yet another continuation-in-part. There is no  
21 indication that the subject matter relied upon in Mayer was available in these earlier  
22 applications, and no reason that Mayer should be accorded a priority date earlier than its  
23 actual filing date of August 9, 2004.  
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1           Accordingly, the Hendrickson and Mayer combination does not support a §103  
2 rejection of claim 1 for at least the reasons described above, and Applicant requests that  
3 the §103 rejection be withdrawn.

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5           **Claims 2-4 and 7** are allowable as depending from claim 1. Accordingly, the  
6 §103 rejection should be withdrawn. Additionally, some or all of claims 2-4 and 7 are  
7 allowable over Hendrickson and/or Mayer for independent reasons. For example:

8           **Claim 2** recites that “the current status is a geographical location of the respective  
9 user device.” The Office cites to Hendrickson at col. 11, lines 45-53 (*Office Action* p. 8).  
10 However, Hendrickson describes collecting data related to location such as longitude,  
11 latitude, and GPS data that can be referenced *back* to wireless device events. There is no  
12 indication in the cited section of Hendrickson that “the *current* status is a geographical  
13 location of the respective user device”, as recited in claim 2.

14           **Claim 3** recites that “the current status is a distance from the respective user  
15 device to the user device that generates the survey.” The Office also cites to Hendrickson  
16 at col. 7, lines 1-11 (*Office Action* p. 8). The cited section of Hendrickson also describes  
17 the data gathering software that reports *back* the locations of events. There is no  
18 indication in the cited section of Hendrickson that “the *current* status is a distance  
19 from the respective user device to the user device that generates the survey”, as recited in  
20 claim 3.

21           Accordingly, claims 2 and 3 are allowable over the Hendrickson and Mayer  
22 combination and the §103 rejection should be withdrawn.

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1           **Claim 21** recites... a server device implemented to:

2           send a request for a return signal to a plurality of user devices via a  
3           wireless network;

4           receive respective return signals from one or more of the plurality of user  
5           devices, each of the return signals indicating a current status of a respective user  
6           device and an operational mode of the respective user device;

7           receive a survey that is generated at a user device, the survey including an  
8           inquiry and selectable responses to the inquiry that are configured to be completed  
9           by recipients of the survey;

10          receive, along with the survey from the user device, one or more selected  
11          characteristics that are attributable to users that are associated with the plurality of  
12          user devices, the one or more characteristics being utilized as criteria to identify  
13          the recipients of the survey;

14          automatically select a group of user devices from the plurality of user  
15          devices based on the users having the one or more selected characteristics and  
16          identified as the recipients of the survey, each of the users being associated with a  
17          respective user device in the selected group of user devices;

18          forward the survey to the selected group of user devices via the wireless  
19          network, the survey configured to be completed by a user at a respective user  
20          device in the selected group of user devices;

21          receive survey responses to the inquiry from one or more of the user  
22          devices in the selected group of user devices; and

23          forward the survey responses to the user device from which the survey  
24          was generated and received.

25          As described above in response to the rejection of claim 1, Hendrickson and/or  
26          Mayer do not teach or suggest the combination of features recited in claim 21, such as  
27          “return signals indicating a current status of a respective user device and an operational  
28          mode of the respective user device”, “a survey that is generated at a user device, the  
29          survey including an inquiry and selectable responses to the inquiry”, to “forward the  
30          survey to the selected group of user devices”, “receive survey responses to the inquiry

1 from one or more of the user devices”, or “forward the survey responses to the user  
2 device from which the survey was generated and received.”  
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4 Accordingly, the Hendrickson and Mayer combination does not support a §103  
5 rejection of claim 21, and Applicant requests that the §103 rejection be withdrawn.  
6 Additionally, dependent claims 22-24 and 27 are allowable as depending from claim 21,  
7 and the §103 rejection should be withdrawn.  
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9 **Claims 8, 9, 28, and 29** are allowable as depending from respective independent  
10 claims 1 and 21 which is allowable over Hendrickson and/or Mayer for at least the  
11 reasons described above. Claims 8, 9, 28, and 29 are also allowable over Hendrickson,  
12 Mayer, and/or DeVries, which does not address the deficiencies of Hendrickson and/or  
13 Mayer as described above in the response to the rejection of claims 1 and 21.  
14 Accordingly, the §103 rejection should be withdrawn.  
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#### **New Claims**

16 New claims 30-35 are presented for examination and are allowable over the cited  
17 references based on the discussion above.  
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1                    **Conclusion**

2                    Applicant submits that pending claims 1-4, 7-9, 21-24, and 27-35 are in condition  
3 for allowance, and respectfully requests issuance of the application. If any issues remain  
4 that preclude issuance of the application, the Examiner is requested to contact the  
5 undersigned attorney before issuing a subsequent Action.

6                    Respectfully Submitted,

7                    Dated: Mar. 3, 2010

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